

REMARKS/ARGUMENTS

Claims 1 through 15 remain in this application. Claims 1, 11 and 15 have been amended.

The drawings have been objected to for failure to distinguish prior art figures from other figures. In response, amended drawings were submitted July 26, 2006. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claim 15 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reciting an apparent trademark, namely Noryl GTX 830. Claim 15 is hereby amended to replace the language Noryl GTX 830 with "a plastic having minimal vapor emissions during a welding process", which is supported by page 3, lines 20 through 22, of the specification.

Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claim 15 are respectfully requested.

Claims 1 through 3, 6, 9 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,347,294 to Mejia ("Mejia patent"). Also, claims 4, 5, 7 and 8 are rejected under 35 U.S.C. §103(a) as being obvious over the Mejia patent.

Claims 1 and 11 as amended provides *inter alia*, a metal tab and a housing, in which the housing comprises a rail and "a post for coupling to the at least one lance when the at least one lance is bent downward toward the housing". Support for the above added recitation is provided at page 6, lines 14 through 18, of the specification. In contrast, the Mejia patent discloses holes in the lug 10 through which a fastening means may be inserted to fit the lug in place relative to

the T-ribs 9 (see col. 3, lines 64 through 66). The Mejia patent does not describe or suggest any type of a post for coupling to at least one lance when the lance is (or lances are) bent downward toward a housing, as required by claims 1 and 11. Therefore, claims 1 and 11 as amended distinguish patentably from the Mejia patent.

Claims 2 through 10 and 12 through 15 depend from and include all limitations of independent claims 1 and 11 as amended. Therefore, claims 2 through 10 and 12 through 15 distinguish patentably from the Mejia patent for the reasons stated above for claims 1 and 11.

Claim 4 further distinguishes from the cited reference. Claim 4 provides that one or more side bends comprise at least one cut out. The above Office Action states, at the top of page 4, that the side bend is not expressly taught by the Mejia patent, but the Office Action further states that such change in shape is not considered to distinguish over a reference unless a new or unexpected result is shown. However, page 6, lines 7 through 12, of the specification clearly states that the one or more cut outs speed assembly by reducing overall tab travel, thus showing a new and unexpected result. Therefore, claim 4 further distinguishes from the Mejia patent.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claims 1 through 15 are respectfully requested.

Claims 1 through 15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 through 10 of U.S. Patent No. 6,724,170 to Maggert, et al. ("Maggert, et al. patent") in view of the Mejia patent.

First, the Maggert, et al. patent and the Mejia patent do not describe or suggest any type of a post for coupling to a lance(s) when the lance(s) is bent downward toward a housing, as required by independent claims 1 and 11. Therefore, claims 1 through 15 as amended distinguish patentably from the Maggert, et al. patent, the Mejia patent, and the suggested combination of these patents.

Second, since the Examiner is actually citing two references in support of the nonstatutory obviousness-type double patenting rejection, the Examiner is in fact rejecting claims 1 through 15 under 35 U.S.C. §103(a). The Mejia patent is owned by the same Assignee as the current application and was owned by the same Assignee at the time of the invention of the current application. Assignment of the instant application to Motorola Inc. is recorded at Reel/Frame 014247/0261. Accordingly, Applicants respectfully submit that the rejection is believed to be improper under 35 U.S.C. §103(c).

In view of the above, reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 1 through 15 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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